

VACCINATION.

MARCH 1, 1827.

Read, and laid upon the table.

Mr. CONDUCT, from the select Committee appointed on the 27th ult. presented the following

REPORT:

The Select Committee, charged with the memorial of Doctor James Smith, and his letter of December 19, 1825, addressed to the Speaker of the House of Representatives, respectfully report:

That they did, at the last session of Congress, diligently inquire into all the facts and circumstances, connected with the introduction of small-pox into Tarboro, in North Carolina, in 1821-2, and into the grievances alleged by the memorialist; and whilst they deplore the affliction which was visited upon the inhabitants of that place, it affords them much consolation to find, that the occurrence has not shaken the confidence heretofore reposed in vaccination, as an efficient antidote and preventive against small-pox. On the contrary, it affords additional testimony of its value; and a full development of all the facts has served to quiet the fears and doubts, which for a time distracted the public mind on this subject.

The Committee have scrutinized the mode in which the business of the vaccine agency has been conducted by Dr. Smith. They have examined his books of original entries, or the memoranda of supplies of vaccine virus furnished to individuals, with the distinctive marks or characters used by him to designate both small-pox and vaccine virus. They have also examined many letters from Physicians in Tarboro, and the answers of Dr. Smith. But a minute detail of all the facts and circumstances presented for examination, would make this report too voluminous. They will therefore confine themselves to a brief recital of those deemed most important.

By the book of entries kept by Dr. Smith, it appears that, on the 1st November, 1821, he addressed manuscript letters to Doctors Ward and Hunter, of Tarboro, and enclosed therein, to each, two parcels of vaccine virus, on glass. Doctor Hunter received the letter addressed to him, with the vaccine matter, as enclosed. But after diligent inquiry, and much investigation, no traces of the letter to Doctor Ward, or of its contents, can be found. No allusion is made to it by Doctor Ward, in any of his communications, and the Committee are induced to believe it never came to his hands. He did, however, receive a printed circular, purporting to be from Doctor Smith, containing scabs,



(the circular having no reference whatever to them,) and by using these scabs the small-pox was propagated. Doctor Ward states that these scabs were "wrapped in a scrap of an old newspaper," which had been used as an envelope, and marked by Doctor Smith as "*variolous*," (meaning small-pox.) No glasses of matter were received by Doctor Ward in this circular; and Doctor Smith on examination speaks most confidently, that he never enclosed either glasses or scabs therein. The circular bears date 1st November, 1821, bearing the Baltimore post-mark of November 9th; eight days after date.

Toward the close of the last session of Congress, and after this Committee had bestowed much attention to the subject, it was proposed to defer their report, until a letter could be addressed to Doctor Ward, making the positive inquiry, whether the *manuscript letter* of Doctor Smith, of November 1, 1821, either with or without glasses, ever came to his hands? Doctor Conduct, one of the Committee, was designated to perform this duty; and immediately on his return home, after the adjournment, wrote to Doctor Ward, on the 7th June, 1826; a copy of which letter is subjoined to this report. Soon after the present session commenced, Doctor Conduct informed his associates in the Committee, that he had received no answer from Doctor Ward; and on an intimation from Major Carson, of N. C., that Doctor Ward had removed from Tarboro to Bertie, a second letter of similar import, was addressed by Doctor Conduct to Doctor Ward, and directed to him in Bertie, and to the office near him. No answer has been received, although there has been most ample time.

The Committee see no ground to impute to Doctor Smith any want of skill, or of care and attention, in conducting the vaccine agency, and much less of any evil design to propagate the pestilence, as has been charged upon him. There yet remains some obscurity as to the facts of the case. Doctor Smith has manifested a desire to investigate all the transactions; has readily answered all inquiries, and submitted all his office books and papers to the closest scrutiny of the Committee. To give greater solemnity and authenticity to his communications, the Committee deemed it requisite to put him under oath; and a copy of his affidavit is annexed to this report, taken before Judge Thruston of this city. From circumstances and facts for a while unknown to Dr. Smith, but which have been disclosed since the unfortunate affair at Tarboro, he seems fully persuaded, that some malicious and designing person, availing himself of some favorable moment whilst in his office, has suppressed entirely the manuscript letter to Dr. Ward, of Nov. 1st, containing the glasses of vaccine matter, and clandestinely inserted the small-pox scabs into the printed circular, to destroy the institution, and to ruin Dr. Smith. The difference between the date of the circular and its post-mark seems to favor such a suspicion, especially when we know the Doctor's proximity to the post office, and his habit of sending *immediately* all packages for distribution by the mail. The altered condition also of the envelope, containing the scabs, so different when received at Tarboro

from the condition in which it was always kept by Dr. Smith, induces a strong belief of improper interference, which is further strengthened by the fact stated in Dr. Smith's deposition, of manuscript papers, of considerable volume, relating entirely to the concerns of the institution, having been purloined from his office by some unknown hand.

There is, however, no positive proof adduced before the Committee of so base a transaction, nor could positive proof be expected, if such were known to be the case. He who would perpetrate so foul a deed, would shun the light, to screen himself from public indignation, and to avoid the punishment which he would so justly deserve.

The Committee, having at the last session reported a bill, which proposed the freedom of the mail to distribute vaccine matter throughout the United States, refer the House respectfully to that bill, and conclude their examination into the various grievances complained of by Dr. Smith, by the brief statement of facts embraced in this report, and ask to be discharged from the further consideration of the memorial.

VACCINE INSTITUTION,

Baltimore, 19th December, 1825.

SIR: I hope you will excuse the liberty I take, to inform you, (with a view to invite the attention of Congress to a subject of great importance to the public,) that, while lately discharging my duty, as Agent of Vaccination, with zeal, fidelity, and advantage, to the citizens of the United States, a wanton imposition was practised, which led me unavoidably to believe, that I had made a mistake in conducting the business of this institution, that justified the President in revoking the commission I held, and, soon afterwards, induced Congress to repeal the law under which I had been acting. It has now been ascertained, however, that I made no mistake, and, although the public, as well as I, have sustained the greatest injuries from these proceedings, it can be shown, that no blame whatever should attach to me.

The injuries of which I complain, were submitted, in due form, before the last Congress, and inquired into by an enlightened Committee, who reported a bill to remove them; but the session terminated before any further consideration was given to this subject, and the grievance still exists.

Justice to those who have been injured, therefore, as well as the public interest, seems to demand that this grievance should be inquired into; and, if it should be deemed inexpedient to pass any such law as reported, to secure the preservation and distribution of the vaccine matter, at the public expense. Congress will, I hope, so far at least, subserve the interests of the citizens of the United States, as

to allow that all letters to and from this institution, relative to vaccination may be carried by the mail, free of any postage, as formerly.

I have the honor to be, with great respect,

Your most obedient,

And humble servant,

JAMES SMITH.

Hon'ble JOHN W. TAYLOR,

Speaker of the House of Representatives,

Washington.

MORRISTOWN, NEW JERSEY,

June 7th, 1826.

DEAR SIR: During the last session of Congress, a select committee was appointed on the subject of vaccination, and, among other inquiries, they undertook to investigate the facts relating to the introduction of the small pox in Tarboro, in the Fall and Winter of 1821-'22. On the examination of Dr. Smith. of Baltimore, and by the inspection of his books, it was found, that on the 21st of November, 1821, he addressed to you a printed circular, appointing you an agent, and, on the same day, addressed to you, also, a manuscript letter, enclosing therein two parcels of vaccine virus, on glass.

From a perusal of the correspondence between yourself and Dr. Smith, it does not appear that you ever received the manuscript letter of that date, nor any glasses containing vaccine virus. The object of this letter is to inquire of you, distinctly, whether or not you ever did receive from Dr. Smith the manuscript letter of that date, either with glasses or without? This inquiry would have been made at an earlier date, but it was not suggested by any of the committee, until within a day or two of the close of the session, when there was not time sufficient to write and receive your answer, before the committee would separate. Any other facts, calculated to elucidate or explain this business, not heretofore communicated by you, will be thankfully received; and must be interesting to all concerned. The report of the committee, in respect to this part of the subject referred to them, was postponed till next session, in the hope of your answer to this inquiry.

Please to address to me, at this place.

Respectfully,

Your ob't serv't,

LEWIS CONDUCT,

Member of the Committee of Vaccination.

Dr. WARD, Tarboro, N. C.

WASHINGTON CITY, 15th May, 1826.

Then personally appeared before the subscriber, one of the Judges of the Circuit Court of the United States for the District of Columbia, Dr. James Smith, late Agent of Vaccination, and made oath, on the Holy Evangelists of Almighty God, that, in the Spring of the year 1802, he established a vacine institution, at the city of Baltimore, on his own responsibility, to preserve the genuine vaccine matter, and to furnish it, as far as he could, to all who wanted it; that, after he had spent much time and money, in various experiments, to ascertain the most certain and best method, by which this matter could be preserved and distributed, he communicated the same, freely, in 1812—13, to a Committee in Congress, who, thereupon, recommended his Vaccine Institution to the favorable attention, and confidence of the public; that an act "to encourage vaccination" was accordingly passed, and deponent was appointed Agent to carry it into effect. But it so happened, that, on or about the 1st Nov. 1821, while he was zealously engaged in this undertaking, a wanton deception and fraud was practised, by some person unknown to him, who, he has now reason to believe, took out of his office, and suppressed, a letter he had *written* to Dr. Ward, of Tarboro', in the State of North Carolina, and in which he had put up some genuine vaccine matter, on glasses, for said Ward. But no trace of this *written* letter, or of its contents, has been yet discovered. It has been since ascertained, however, that a parcel of small pox scabs were sent to Dr. Ward, about this time, in the name of, but unknown to, this deponent; and said Ward has shewn, that these scabs were received by him in a *printed circular*, which deponent had also addressed to him, under date of 1st November, 1821, appointing him an Auxiliary Agent of the Vaccine Institution, but in which said circular, deponent has no reason to believe, that he ever put up any matter, of any kind, either intentionally or inadvertently.

This deponent further makes oath, that he well remembers to have had, laying in his desk, exposed to view of any person who had access to his office, for some weeks previous to the 1st November, 1821, a paper which contained small pox scabs, which paper was marked, "Variol: □ 4th Oct. 1821. Whitford." Said scabs, having been taken by deponent, to test the efficacy of vaccination, in any case in which he might have occasion to use them for this purpose.

This Deponent further states that the first information he received from Dr. Ward, relative to the introduction of small pox into Tarboro', was, by his letter, dated Bertu county, Dec. 29th, 1821, in which he advises deponent, that the "*vaccine matter*" he had received from him, had produced an eruptive disease, which, he believed, was small pox, some of his patients having "so many pustules that it was impracticable to count them." From this advice, coming directly from Dr. Ward, deponent says, he was inevitably led to conclude, that said Ward must have received his *written* letter, with the vaccine matter that had been put up for him; and deponent was further

led to believe, that, this being true, he must certainly have made some mistake in selecting it; and he had to regret exceedingly, that he had put up many portions of the same matter, about the same time, and sent them to many other persons, residing in various distant places.

That such a fatal mistake as this, might possibly have been made, deponent was well aware, from the circumstance that the varioloid disease, or bastard small pox, was then prevalent in Baltimore, when deponent knew many instances of persons having the vaccine pock on their arms. (perfectly genuine to appearance,) but who were, nevertheless, infected, and had eruptions of the varioloid disease on their persons at the same time. Deponent states, that with this knowledge and these facts before him, he was induced to believe, that his utmost care and circumspection, had, for once, failed him; and, being fearful that the most fatal consequences would soon follow from the error into which, it appeared certain, he must have fallen, he turned his entire attention to lessen the evils he apprehended were about to take place. For this purpose, therefore, deponent published a circular letter, on or about the 24th January, 1822, and sent copies of it in every direction, to inform all those to whom he had sent vaccine matter during the preceding month, not to use it lest they, also, might be exposed to the same calamity that had so unhappily fallen upon the citizens of Tarborough.

This deponent makes oath that he entertained no suspicion whatever at that time, of any extraneous interference in his business, neither did he doubt the accuracy of the advice he had obtained from Dr. Ward, in regard to his receiving "the vaccine matter." But, soon after the publication of his circular just mentioned, deponent received letters from Dr. Benjamin B. Hunter, of Tarboro, bearing date 16th and 19th January, 1822, giving information that the matter which Dr. Ward had received, was "in several scabs," and "not on glass, as that was which he had received from the institution about same time." Deponent states, that this information was most joyfully received by him: for it seemed at once to solve every difficulty, and proved, to his entire satisfaction, that he had not committed the terrible mistake wherewith he had charged himself: and to counteract which, he was then laboring night and day, in great distress of mind, as well as fatigue of body. As soon as this happy discovery, therefore, was made, deponent gave public notice thereof, and wrote to the Speaker of the House of Representatives, on the 4th July, 1822, to inform Congress fully of all that had happened. But still entertaining no suspicion of any fraud or deception having been practised, deponent was now led to conclude, that he must have put up the paper he had containing the variolous matter, and enclosed it "inadvertently" in the letter he had written to Dr. Ward, instead of the glasses of vaccine matter he had always before believed he had sent to him. Since that time, however, other facts and circumstances have come to light, which deponent makes oath have made an entirely different impression on his mind, from the belief he entertained when he addressed

his letter to the Speaker of the House of Representatives, "4th February, 1822," and he is now convinced that he is not justly chargeable with the "inadvertence," or error, he at that time so candidly imputed to himself.

Deponent states, that the following facts and circumstances did not come to his knowledge until after the law "to encourage vaccination" had been repealed. But they sustain his present convictions, that some unknown hand was concerned in the late introduction of the small pox into North Carolina.

1. When Dr. Ward received the small pox scabs in the printed circular addressed to him by deponent, he found them loosely "wrapped," he states, in a scrap of an old newspaper, without their proper envelope round them, but which he nevertheless received with them. As deponent never made any use of these scabs, he is certain he never took the envelope off them.

2. Certain manuscript papers of considerable volume, relating entirely to the concerns of the vaccine institution, and of no other value, were taken out of his office by some unknown hand, about the time that the investigation in relation to the introduction of the small pox into Tarboro, was in progress, and no traces of these papers have been since discovered.

Sworn to before me this 15th May, 1826.

B. THRUSTON.

